

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2004/2005 IN STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE SPECIAL THAN GENERAL PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Loma Linda, pursuant to the provisions of The Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, declares it's intention and does resolve as follows:

WHEREAS, That the public interest and convenience requires and it is the intention of the City Council of the City of Loma Linda, California, to order the following work be done:

1. Maintenance, operation and servicing of street lighting and traffic signals as authorized by Section 22525 of the Streets and Highways Code.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof; and

WHEREAS, The foregoing described work is to be located within roadway right-of-way and public utility easements within the incorporated boundaries of the City of Loma Linda more particularly described on a map which is on file in the City Clerk's Office entitled "Assessment Diagram Street Light Benefit Assessment District No. 1"; and

WHEREAS, That the contemplated work, in the opinion of said City Council, is of more special than general public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is described as follows: All that certain territory of the City of Loma Linda included within the exterior boundary line shown upon that certain map entitled "Assessment Diagram Street Light Benefit Assessment District No. 1," indicating by said boundary line the extent of the territory included within the proposed assessment district and which map is on file in the Office of the City Clerk of said City; and

WHEREAS, Reference is hereby made to said map for further, full and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said assessment district.

WHEREAS, The City Council of said City by Resolution No. ____ has preliminarily approved the report of the Engineer of Work, which report indicates the amount of the proposed assessment, the district boundary, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report For Street Light Benefit Assessment District No. 1 fiscal year 2004/2005" is on file in the Office of the City Clerk of said City, and was prepared for fiscal year 2004/2005 in accordance with the Landscaping and Lighting Act of 1972. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work; and

WHEREAS, The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City Council of said City and said Council will annually conduct a hearing upon said report, at which time assessments for the next fiscal year will be determined; and

WHEREAS, All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California; and

WHEREAS, That by reference to Section 22595 of said Streets and Highways Code all railroad, gas, water or electric utility or electric line right-of-way included within said Street Lighting District No. 1 which will receive benefit will be assessed for said benefit; and

WHEREAS, All lots or parcels belonging to public agencies shall be omitted from assessments to be made hereafter to cover the costs and expenses of the work; and

Although Section 4 of Article XIIC, of the California Constitution has a procedure of assessing parcels owned or used by any public agency, the State of California or the United States, Section 5(a) of said Article XIIC exempts any assessment to finance maintenance and operating expenses for streets, or street lights as an integral part of a street, therefore, the assessment of public parcels is exempt; and

WHEREAS Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of notice of hearing shall be completed at least 10 days prior to the date of hearing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. Notice is hereby given that on the 13th day of July 2004 at the hour of 7:00 p.m., or as soon thereafter as possible, in the City Council Chamber at 25541 Barton Road, in the City of Loma Linda, any and all persons having any objections to the work or extent of the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests; and
2. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22nd day of June 2004 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

ATTEST:

Karen Gaio Hansberger, Mayor

Pamela Byrnes-O'Camb, City Clerk